COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **Use of Force, Hospitalization/Skeletal Fracture**

IAB FILE NUMBERS: **FO 2408157**

URN#: **916-12557-1122-094**

DATE/TIME: **July 21, 2016, 0039 hours**

LOCATION: [redacted] **West Lancaster Boulevard, Lancaster, CA 93534**

SYNOPSIS

On July 21, 2016, an Internal Affairs Bureau (IAB) team, comprised of Lieutenant Roberta Granek, Sergeant Jorge Marchena, and Sergeant Brenda Gibson, responded to Lancaster Station regarding a use of force, which resulted in the suspect sustaining a brain contusion, bleeding behind his right eye, a fracture to his right elbow, and a Taser dart puncture wound.

On July 21, 2016, at 0036 hours, Lancaster Station received a call of "a person trying to break into vehicles." Lancaster Station Tag-9 was assigned to the call. Several Lancaster units were dispatched to the area of Elm Avenue and Lancaster Boulevard.

The suspect (Conrad Nevarez) was followed by the informants into the parking lot of an [redacted] located at [redacted] West Lancaster Boulevard. The suspect entered the back seat of an unlocked, 4-door, Ford F-150 truck that was parked in the parking lot. The truck was occupied by the owner, [redacted] (Witness) who was seated in the driver's seat with the truck running. The informants of the call, [redacted] (Witness) and [redacted] Witness), observed the suspect enter the backseat of the truck.

Witness [redacted] yelled at the suspect, "Get the hell out of my truck," but the suspect did not respond. Fearing the suspect was going to take his truck, Witness [redacted] exited the vehicle. Witness [redacted] was contacted by Witness [redacted] and Witness [redacted] who advised him they had called the police who were on their way. Witness [redacted] reached in and took the keys out of the ignition.

Involved Deputy [redacted] was the first deputy on scene and observed the suspect sitting in the back seat of the truck reaching toward the center console. Deputy [redacted] broadcasted his location and requested assistance. Deputy [redacted] waited for additional deputies to arrive. Involved Deputy [redacted] was the second deputy to arrive on scene. Deputy [redacted] approached Deputy [redacted] who was standing at the rear of the truck where they waited for additional units. Deputy [redacted] told Deputy [redacted] to deploy his Taser as the less lethal option, while he was designated as the lethal option. Involved Deputy [redacted] was the third deputy to arrive on scene. Deputy [redacted] took a position on the passenger side of the truck in case the suspect exited from the passenger side.

Involved Deputy Michael Courtial was the fourth deputy to arrive on scene. Deputy Courtial stopped his marked patrol vehicle approximately 10 feet from the driver's side of the truck. Deputy Courtial exited his patrol vehicle and approached the truck with his gun drawn without speaking to the other deputies on scene. Deputy Courtial kicked the rear driver's side door of the vehicle and yelled at the suspect to show his hands. Deputy Courtial opened the rear driver's door of the vehicle and observed the suspect reach in-between the center console and front passenger seat of the vehicle from the rear seat. Several verbal commands were given to the suspect to stop reaching toward the front of the truck cabin, which the suspect ignored. Deputy [redacted] deployed his Taser and activated it for one cycle on the suspect.

After the Taser deployment, Deputy Courtial pulled the suspect out of the truck by the leg onto the ground. The suspect held onto the truck door frame as Deputy Courtial attempted to pull the suspect away from the truck. Deputy Courtial punched the suspect several times with a closed fist in his upper back area when the suspect refused to release his grip on the door frame. The suspect released his grip on the door frame and was rolled onto to his stomach by several deputies. Deputy Courtial punched the suspect several more times when the suspect refused to release his right arm which was under his stomach. The suspect released his right arm after he was punched by Deputy Courtial and was handcuffed. A hobble was applied to the suspect's ankles as a precautionary measure to prevent him from kicking at the deputies.

The suspect was medically treated at the scene and subsequently transported to Antelope Valley Hospital, where he was admitted for his injuries.

No department personnel were injured during the incident.

Cell phone video footage of the incident was captured by Witness [redacted] and Witness [redacted] The video footage was provided to IAB investigators.

The video footage of the incident was reviewed by IAB investigators. The video depicted Deputy Courtial kick Witness [redacted] vehicle and the force Deputy

Courtial used against Suspect Nevarez. A criminal investigation was initiated on July 21, 2016, and was handled by the Internal Criminal Investigations Bureau (ICIB). The criminal investigation, including the video footage is included in this case as **[EXHIBIT A]**.

On December 27, 2016, the facts of the case were presented to the Los Angeles County District Attorney's Office, Justice System Integrity Division (JSID) for consideration for filing. On April 28, 2017, Deputy District Attorney David Reinert declined to file any charges against Deputy Courtial citing a lack of sufficient evidence. A copy of the Los Angeles District Attorney Charge Evaluation Worksheet is included with this case in **[EXHIBIT A, PAGES 45C-45H]**.

INVOLVED EMPLOYEE AND WORK HISTORY

[redacted] Deputy Sheriff, [redacted]
North Patrol Division
Lancaster Station

Work History

Date of Employment: November 1, 2012

[redacted]

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Sig P227 Firearm
(3) Magazines
(2) Handcuffs
Knife
Collapsible Baton
Ballistic Vest
Flashlight
Hobble
Radio
PR-24 baton (in patrol car)

INVOLVED EMPLOYEE AND WORK HISTORY

[redacted] Deputy Sheriff, [redacted]
North Patrol Division
Lancaster Station

Work History

Date of Employment: May 23, 2007

[redacted]

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Beretta 92FS Firearm
(4) Magazines
(2) Handcuffs
Knife
Collapsible Baton
Ballistic Vest
Radio
Taser
Ballistic Vest
Hobble
PR-24 baton (in patrol car)

INVOLVED EMPLOYEE AND WORK HISTORY

[redacted] Deputy Sheriff, [redacted]
North Patrol Division
Lancaster Station

Work History

Date of Employment: May 21, 2012

[redacted]

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Smith and Wesson M&P Firearm
(3) Magazines
Ruger LCR38 Firearm (Back-up)
Taser
Collapsible Baton
Radio
Hobble
Flashlight

Knife
Ballistic Vest
PR-24 baton (in patrol car)

INVOLVED EMPLOYEE AND WORK HISTORY

Michael Courtial, Deputy Sheriff, [redacted]
North Patrol Division
Lancaster Station

Work History

Date of Employment: September 15, 2008

[redacted]

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Beretta 92FS Firearm
(3) Magazines
(2) Pair of Handcuffs
Taser
Knife
Hobble
Ballistic Vest
Radio
PR-24 baton (in patrol car)

SUSPECT INFORMATION

Conrad Nevarez
Male, Hispanic, DOB: September 11, 1967, 5'11", 250 pounds
[redacted]

> **IAB Note: A copy of Suspect Nevarez' criminal history is included in this case as [EXHIBIT B].**

SUSPECT'S INJURIES

Suspect Nevarez sustained a brain contusion, bleeding behind the right eye, bruising to his right eye, a fracture to his right elbow, a Taser dart puncture wound to the left side of his abdomen, and scrapes to both knees. Suspect

Nevarez was transported by ambulance to Antelope Valley Hospital and admitted for his injuries.

An initial Computed Tomography scan (CT Scan) performed on Suspect Nevarez showed a small amount of suspected bleeding in the brain. However, a second CT scan did not show any new bleeding in the brain.

Suspect Nevarez was treated in the hospital by Dr. Pavel Petrik. The suspect's medical record was submitted with this case in **[EXHIBIT A as EXHIBIT D].**

> **IAB Note:** **Suspect Nevarez told investigators he was involved in a collision on his bicycle shortly before his altercation with deputies. The suspect did not get any medical attention after the bicycle accident. The medical staff could not state for certain, what injuries, outside of the Taser dart wounds, Suspect Nevarez suffered as a result of the deputies' use of force.**

Digital photographs of Suspect Nevarez' injuries were submitted with this case in **[EXHIBIT A, ATTACHMENT 1]**.

Printed photographs of the suspect's injuries are included in **[MISCELLANEOUS DOCUMENTS]**.

DEPUTY PERSONNEL INJURIES

None

PHYSICAL EVIDENCE

None

INVESTIGATOR'S OBSERVATIONS

Six hours transpired between the incident and IAB investigator's observations.

The location where the incident occurred is a [redacted]. The parking lot is single-leveled with marked parking stalls. There was a surveillance camera affixed to the first level pointed toward the parking lot. The incident was captured by the surveillance camera and the video is included in this case as **[EXHIBIT C]**.

The scene was photographed by IAB investigators. The pictures are included in this case as **[EXHIBIT D]**.

WEAPONS USED BY INVOLVED PERSONNEL

Deputy [redacted] used control holds and resisted handcuffing.

Deputy [redacted] used a Taser.

Deputy [redacted] used control holds and applied a hobble.

Deputy Courtial used control holds, personal weapons and resisted handcuffing.

WEAPONS USED BY SUSPECT NEVAREZ

None

PROPERTY DAMAGE

Deputy Courtial kicked the rear driver's side door of Witness [redacted] truck. The vehicle, a 2007 Ford F-150 truck, sustained a 1' x 2' dent on the door. The cost to repair the damage was estimated at $2,605.67. The estimate to repair the damage is included in **[EXHIBIT A as EXHIBIT I]**.

Pictures of the damage to the truck are included in **[EXHIBIT A, ATTACHMENT-2]**.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation regarding Suspect Nevarez was handled by Lancaster Station Detective [redacted]. Suspect Nevarez was charged with one felony count of 664/10851 (a) CVC and three misdemeanor counts of 148 (a)(1) PC, on July 25, 2016.

On August 17, 2016, Suspect Nevarez pled "No Contest" to one felony count of 664/10851 (a) CVC and one misdemeanor count of 148 (a)(1) PC. Suspect Nevarez was sentenced to 97 days in county jail and 3 years of summary probation.

The court minutes are included in this case in **[EXHIBIT A as EXHIBIT G]**.

LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by overhead street lights. The weather was clear and cool.

STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions. IAB investigators reviewed any reports authored by the involved deputies and determined they were consistent with their IAB Administrative Force Review interviews.

INVOLVED EMPLOYEE DEPUTY [redacted]

Internal Affairs Bureau investigators interviewed Deputy [redacted] regarding this case.

On July 21, 2016, Deputy [redacted] was assigned to Lancaster Sheriff's Station. Deputy [redacted] was assigned to the early morning shift as Unit 112A. Deputy [redacted] worked a uniformed patrol assignment in a crime car in the city of Lancaster. Deputy [redacted] was assigned as an assisting unit to a vehicle theft call.

When Deputy [redacted] arrived in the area, he was flagged down by the informant, who directed him to the truck the suspect had entered. Deputy [redacted] approached the vehicle and illuminated the inside of the cab with his flashlight due to a dark tint on the windows that obstructed his view. Deputy [redacted] observed a male (Suspect Nevarez) inside the truck sprawled out across the back seat. When the suspect saw Deputy [redacted] light, he threw some type of hard objects at the windows of the truck and yelled at Deputy [redacted] Due to the vehicle's windows being rolled up, Deputy [redacted] could not decipher what the suspect was saying.

Due to the suspect's actions, Deputy [redacted] requested additional units by using his handheld radio. Deputy [redacted] arrived on scene and was briefed by Deputy [redacted] Deputy [redacted] designated himself the lethal option and Deputy [redacted] the less lethal option. They took a position at the rear of the truck on the driver's side and waited for additional units to arrive. Deputy [redacted] arrived on scene and was directed by Deputy [redacted] to take a position on the passenger side of the truck. When Deputy Courtial arrived on scene, he (Courtial) walked directly to the rear driver's side door of the truck and kicked it. Deputy Courtial did not speak to any of the deputies on scene prior to approaching the truck and kicking it. Deputy [redacted] could not remember if Deputy Courtial gave the suspect any verbal commands prior to kicking the truck's door **[REFER TO DEPUTY [redacted] TRANSCRIPT, PAGES 5-10]**.

After Deputy Courtial kicked the door, he (Courtial) opened it and gave the suspect commands to show his hands. The suspect did not comply and reached in between the center console and the front passenger seat. Deputy [redacted] observed Deputy [redacted] deploy the Taser on the suspect, but did not see

where the darts struck the suspect. The suspect was tased for one cycle. After the suspect was tased, he was pulled out of the vehicle by the leg by Deputy Courtial. As Deputy Courtial pulled the suspect out of the truck, he ([redacted]) saw Deputy Courtial punch the suspect four to six times in the suspect's upper back area. Due to his view of the suspect being obstructed by Deputy Courtial, Deputy [redacted] did not see what caused, Deputy Courtial to punch the suspect.

Once the suspect was pulled out of the truck, he was rolled onto his stomach with his hands underneath his stomach. Deputy [redacted] placed his right knee on the suspect's back and pulled the suspect's right arm from underneath his stomach and placed it behind the suspect's back. Deputy Courtial punched the suspect an additional six to eight times in the upper back area in order to pull the suspect's left arm from underneath his stomach. Once Deputy Courtial had control of the suspect's left arm, he (Courtial) placed it behind the suspect's back. At this point, Deputy [redacted] was able to handcuff the suspect without using further force.

A hobble was applied to the suspect's ankles by Deputy [redacted] as a precautionary measure. Deputy [redacted] reported the force he used and witnessed to Sergeant James Molidor **[REFER TO DEPUTY [redacted]'S IAB TRANSCRIPT, PAGES 11-15]**.

INVOLVED EMPLOYEE DEPUTY [redacted]

Internal Affairs Bureau investigators interviewed Deputy [redacted] regarding this case.

On July 21, 2016, Deputy [redacted] was assigned to Lancaster Sheriff's Station. Deputy [redacted] was assigned to the early morning shift as Unit 112. Deputy [redacted] worked a uniformed patrol assignment in a crime car in the city of Lancaster. Deputy [redacted] was assigned as an assisting unit to a vehicle theft call.

When Deputy [redacted] arrived in the area, he saw a patrol car with its lights on simultaneously heard Deputy [redacted] request assistance over the radio. Deputy [redacted] exited his patrol vehicle and approached Deputy [redacted] who was standing to the rear of a truck. Deputy [redacted] briefed him regarding the suspect's location and behavior. Deputy [redacted] told Deputy [redacted] to take out his Taser and put away his gun. Deputy [redacted] designated himself the lethal option. Deputy [redacted] could see the silhouette of the suspect inside the truck and could hear loud "tings" coming from inside the truck. Deputy [redacted] did not feel the situation required immediate intervention and they waited for additional units to arrive. Deputy [redacted] was the next unit to arrive and he took a position on the passenger side of the truck as they waited for additional units **[REFER TO DEPUTY [redacted] IAB TRANSCRIPT, PAGES 6-8]**.

Deputy Courtial was the next deputy to arrive on scene. Deputy Courtial walked to the driver's side of the truck and kicked the rear passenger door of the truck. Deputy Courtial did not speak to any of the deputies on scene prior to kicking the door. Deputy [redacted] did not know what Deputy Courtial's intentions were when he kicked the door. Deputy Courtial opened the door to the truck and gave the suspect commands to show his hands. The suspect ignored the commands reached into the front passenger seat area.

Deputy [redacted] made his own independent decision to use the Taser on the suspect because he could not see what the suspect was reaching for and believed it may have been a weapon. Deputy [redacted] delivered one five (5) second cycle to the suspect. Deputy [redacted] could not recall if he gave the suspect a verbal warning prior to deploying the Taser. The Taser deployment had the intended effect and the suspect stopped reaching into the front passenger seat area.

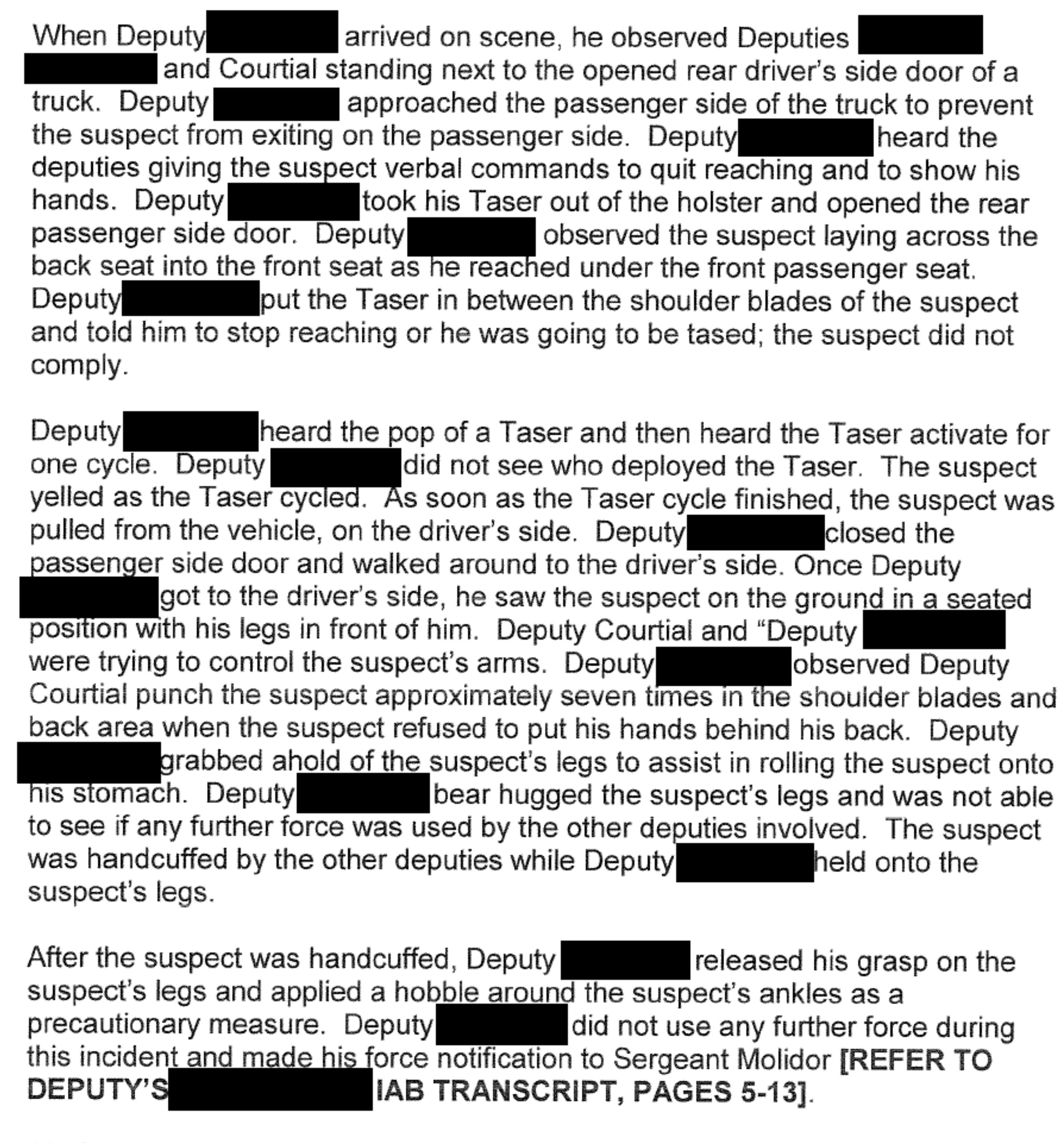
After the Taser deployment, Deputy Courtial pulled the suspect out of the truck by the leg. As the suspect was being pulled out of the truck, Deputy Courtial punched the suspect five to six times in the left shoulder area when the suspect tried to get back into the truck. Once the suspect was pulled from the truck, he was rolled onto his stomach. Deputy [redacted] placed his left knee on the suspect's lower back ready to use the Taser again if needed. Deputy [redacted] observed Deputy Courtial and Deputy [redacted] handcuff the suspect. Deputy [redacted] applied a hobble to the suspect's ankles. Deputy [redacted] did not use any further force on the suspect or observe any further force. Deputy [redacted] reported his use of force to Sergeant Molidor **[REFER TO DEPUTY [redacted] IAB TRANSCRIPTS, PAGES 9-14]**.

> IAB Note: **IAB investigators reviewed the Taser information sheet that was downloaded from the Taser used by Deputy [redacted] during the incident. The information sheet confirmed the Taser used by Deputy [redacted] was only cycled for one six (6) second cycle. The Taser information sheet was included in this case in [EXHIBIT A as EXHIBIT E].**

INVOLVED EMPLOYEE DEPUTY [redacted]

Internal Affairs Bureau investigators interviewed Deputy [redacted] regarding this case.

On July 21, 2016, Deputy [redacted] was assigned to Lancaster Sheriff's Station. Deputy [redacted] was assigned to the early morning shift as Unit 111A. Deputy [redacted] worked a uniformed patrol assignment in a crime car in the city of Lancaster. Deputy [redacted] was assigned as an assisting unit to a vehicle theft call.



When Deputy [redacted] arrived on scene, he observed Deputies [redacted] and Courtial standing next to the opened rear driver's side door of a truck. Deputy [redacted] approached the passenger side of the truck to prevent the suspect from exiting on the passenger side. Deputy [redacted] heard the deputies giving the suspect verbal commands to quit reaching and to show his hands. Deputy [redacted] took his Taser out of the holster and opened the rear passenger side door. Deputy [redacted] observed the suspect laying across the back seat into the front seat as he reached under the front passenger seat. Deputy [redacted] put the Taser in between the shoulder blades of the suspect and told him to stop reaching or he was going to be tased; the suspect did not comply.

Deputy [redacted] heard the pop of a Taser and then heard the Taser activate for one cycle. Deputy [redacted] did not see who deployed the Taser. The suspect yelled as the Taser cycled. As soon as the Taser cycle finished, the suspect was pulled from the vehicle, on the driver's side. Deputy [redacted] closed the passenger side door and walked around to the driver's side. Once Deputy [redacted] got to the driver's side, he saw the suspect on the ground in a seated position with his legs in front of him. Deputy Courtial and "Deputy [redacted] were trying to control the suspect's arms. Deputy [redacted] observed Deputy Courtial punch the suspect approximately seven times in the shoulder blades and back area when the suspect refused to put his hands behind his back. Deputy [redacted] grabbed ahold of the suspect's legs to assist in rolling the suspect onto his stomach. Deputy [redacted] bear hugged the suspect's legs and was not able to see if any further force was used by the other deputies involved. The suspect was handcuffed by the other deputies while Deputy [redacted] held onto the suspect's legs.

After the suspect was handcuffed, Deputy [redacted] released his grasp on the suspect's legs and applied a hobble around the suspect's ankles as a precautionary measure. Deputy [redacted] did not use any further force during this incident and made his force notification to Sergeant Molidor **[REFER TO DEPUTY'S [redacted] IAB TRANSCRIPT, PAGES 5-13]**.

INVOLVED EMPLOYEE DEPUTY MICHAEL COURTIAL

Internal Affairs Bureau investigators interviewed Deputy Courtial regarding this case.

On July 21, 2016, Deputy Courtial was assigned to Lancaster Sheriff's Station. Deputy Courtial was assigned to the early morning shift as Unit 111. Deputy Courtial worked a uniformed patrol assignment in a crime car in the city of Lancaster. Deputy Courtial was assigned as the handling unit to a vehicle theft call.

Deputy Courtial was advised via radio that assisting units had located the truck the suspect was allegedly stealing and their location. When Deputy Courtial arrived on scene, he observed Deputy [redacted] and Deputy [redacted] standing on the rear driver's side of the truck. Deputy Courtial did not observe any other persons standing near the truck. Deputy Courtial saw a large figure inside the rear passenger area of the truck. All the windows to the truck were rolled up and tinted.

Deputy Courtial did not speak to deputies on scene or make any type of tactical planning prior to approaching the truck. Deputy Courtial yelled at the suspect to show his hands as he approached the truck. Deputy Courtial saw the suspect was stretched across the back seat as the suspect reached for something toward the front passenger seat. The suspect was not complying with his commands to show his hands. Deputy Courtial believed the suspect may not have heard his commands and kicked the rear driver's side door to get the suspect's attention.

Deputy Courtial did not confer with the deputies on scene prior to taking his independent action because he felt the deputies were "frozen" and were not making any attempt to take control of the situation. Deputy Courtial felt the situation was rapidly evolving and he did not have a split second to re-group or recourse to see what the suspect was trying to get in the front seat of the truck **[REFER TO DEPUTY COURTIAL'S IAB TRANSCRIPT, PAGES 5-9]**.

After Deputy Courtial kicked the door, he opened it and saw the suspect continued to reach for something under the front passenger seat. Deputy Courtial continued to give the suspect commands to show his hands, but the suspect did not comply. Deputy Courtial took a half step away from the door and yelled for Deputy [redacted] who had a Taser. Deputy Courtial observed Deputy [redacted] deploy the Taser on the suspect. While the Taser was cycling on the suspect, Deputy Courtial reached into the rear cab of the truck and pulled the suspect out of the truck by the ankle. The suspect landed on the ground on his buttocks. Deputy Courtial ordered the suspect to get on the ground.

Deputy Courtial grabbed the suspect's left arm and pulled the suspect away from the truck while the suspect attempted grab ahold of the door frame to pull himself back into the truck. Deputy Courtial was able to pull the suspect out of the truck and roll the suspect onto his stomach. Once on his stomach, the suspect forced his right arm under his stomach. Deputy Courtial gave the suspect several commands to release his right arm, which the suspect did not do. Deputy Courtial punched the suspect in the shoulder area nine times in three sets of blows to gain the suspect's compliance. After the third set, Deputy [redacted] was able to gain control of the suspect's right arm and place it behind the suspect's back. With the assistance of Deputy Courtial, who had control of the suspect's left arm, they were able to handcuff the suspect without further incident.

Deputy Courtial reported his use of force to Sergeant Molidor who arrived on scene after the suspect was handcuffed **[REFER TO DEPUTY COURTIAL'S IAB TRANSCRIPT, PAGES 11-16]**.

At this point Deputy Courtial was shown video footage of the incident. Prior to being shown the video, Deputy Courtial was read the video admonishment.

After watching the video, Deputy Courtial could not point out any exigent circumstances in the video that justified his independent action. Deputy Courtial referred to the kick he delivered on the door of the truck as a "diversionary kick", which was necessary to get the suspect's attention. Deputy Courtial said the kick to the door tactic was something he improvised. The video showed Deputy Courtial punching the suspect after he was pulled out of the truck. Deputy Courtial stated he used the punches as pain compliance in to order to get the suspect to release his grip of the door frame. When asked, "other than for pain compliance", was the suspect doing anything else that caused you (Deputy Courtial) to strike him." Deputy Courtial answered, "No, sir" **[REFER TO DEPUTY COURTIAL'S IAB TRANSCRIPT, PAGES 19-22]**.

WITNESS DEPUTY ANDRES GUARDADO

Internal Affairs Bureau investigators interviewed Deputy Guardado regarding this case.

On July 21, 2016, Deputy Guardado was assigned to Lancaster Sheriff's Station. Deputy Guardado was assigned to the early morning shift as Unit 112B. Deputy Guardado worked a uniformed patrol assignment in a crime car in the city of Lancaster. Deputy Guardado was assigned as an assisting unit to a vehicle theft call.

Deputy Guardado responded to the area of Elm Street and Lancaster Boulevard regarding an assistance request by Deputy [redacted] over the radio. When Deputy Guardado arrived on scene, he observed Deputies Courtial and [redacted] pulling the suspect out of the cab of a four door truck. The suspect was in the back seat leaning toward the front passenger seat. The deputies tried to pull the suspect out of the truck from the rear driver's side passenger door. Deputy Guardado heard the sound of a taser activate, but did not see which deputy deployed it because he was walking from the rear of the truck to the driver's side.

After the taser activation, the suspect was pulled out of the truck by the leg by Deputy Courtial. The suspect landed on his knees, his body was rigid with both of his arms at his side with clenched fists. The suspect would not release control of his arms to Deputies Courtial and [redacted] Deputy Guardado saw Deputy Courtial strike the suspect five to six times in the back shoulder area. After the strikes, Deputies Courtial and [redacted] were able to lay the suspect on his stomach and handcuff him without further incident. Deputy Guardado did not get

involved in the use of force because he felt there were enough deputies involved in attempting to restrain the suspect.

Deputy Guardado reported the force he witnessed to Sergeant Molidor when he arrived on scene **[REFER TO DEPUTY GUARDADO'S IAB TRANSCRIPT, PAGES 4-10]**.

WITNESS DEPUTY MARCO GRAJALES

Internal Affairs Bureau investigators interviewed Deputy Grajales regarding this case.

On July 21, 2016, Deputy Grajales was assigned to Lancaster Sheriff's Station. Deputy Grajales was assigned to an overlap shift (PM/EM) as Unit 113. Deputy Grajales worked a uniformed patrol assignment in a crime car in the city of Lancaster. Deputy Grajales was assigned a partner, Deputy Freddy Regalado. The deputies responded as an assisting unit to a vehicle theft call.

When they arrived on scene, Deputy Grajales observed the suspect on a gurney. Deputy Grajales' partner (Deputy Regalado) was assigned to provide ambulance security while the suspect was transported to the hospital. Deputy Grajales followed the ambulance in his patrol vehicle to the hospital. Deputy Grajales was not involved in any force with the suspect and did not witness any force used on the suspect by any Department personnel.

While at the hospital the suspect told Deputy Grajales he was involved in a bicycle accident earlier in the evening. The suspect told Deputy Grajales he ran into a skateboarder at Hero Park while riding his bicycle. The suspect told Deputy Grajales he injured his face, hands, legs, and chest as a result of the accident. Deputy Grajales recorded the suspect's statement about the bicycle accident on the supplemental report he authored regarding this incident **[REFER TO DEPUTY GRAJALES' IAB TRANSCRIPT, PAGES 2-6]**.

WITNESS DEPUTY FREDDY REGALADO

Internal Affairs Bureau investigators interviewed Deputy Regalado regarding this case.

On July 21, 2016, Deputy Regalado was assigned to Lancaster Sheriff's Station. Deputy Regalado was assigned to an overlap shift (PM/EM) as Unit 113 (on training). Deputy Regalado worked a uniformed patrol assignment in a crime car in the city of Lancaster. Deputy Regalado was assigned a partner, Deputy Marco Grajales. The deputies responded as an assisting unit to a vehicle theft call.

When they arrived on scene, Deputy Regalado was assigned to provide ambulance security while the suspect was transported to the hospital. The suspect was handcuffed to a gurney while he was transported to the hospital. Deputy Regalado was not involved in any force with the suspect and did not witness any force used on the suspect by any Department personnel **[REFER TO DEPUTY REGALADO'S IAB TRANSCRIPT, PAGES 2-5]**.

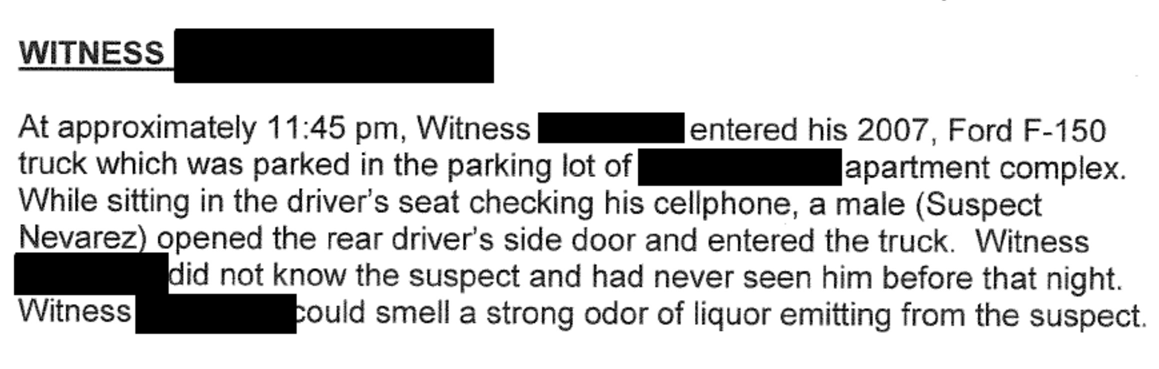
<u>WITNESS SERGEANT JAMES MOLIDOR</u>

Internal Affairs Bureau investigators interviewed Sergeant Molidor regarding this case.

On July 21, 2016, Sergeant Molidor was assigned to Lancaster Sheriff's Station. Sergeant Molidor was assigned to the early morning shift as Unit 110S. Sergeant Molidor worked a uniformed patrol assignment as a field supervisor in the city of Lancaster. Sergeant Molidor responded to an assistance request regarding a deputy detaining a vehicle theft suspect.
When Sergeant Molidor arrived on scene, several deputies reported using force to detain the vehicle theft suspect. Sergeant Molidor could not recall which deputies were involved from memory and he did not author a report regarding the incident because the use of force investigation was subsequently handled by IAB investigators. Sergeant Molidor observed the suspect laying on the ground, handcuffed, with a hobble around the suspect's ankles. Sergeant Molidor did not see any visible injuries on the suspect and the suspect did not complain of any injuries or pain to him. The suspect was transported to the hospital via ambulance.

Sergeant Molidor interviewed several witnesses at the scene regarding the incident. While conducting his use of force investigation, Sergeant Molidor was advised by the deputies at the hospital that the suspect was diagnosed with a head injury and was admitted. Sergeant Molidor reported the incident to the watch commander and made notification to the on-call IAB lieutenant.

Internal Criminal Investigations Bureau investigators interviewed the below witnesses. The following is a summary of their interviews. For more information and precise wording, see the attached verbatim interview transcriptions.



<u>WITNESS</u> [redacted]

At approximately 11:45 pm, Witness [redacted] entered his 2007, Ford F-150 truck which was parked in the parking lot of [redacted] apartment complex. While sitting in the driver's seat checking his cellphone, a male (Suspect Nevarez) opened the rear driver's side door and entered the truck. Witness [redacted] did not know the suspect and had never seen him before that night. Witness [redacted] could smell a strong odor of liquor emitting from the suspect.

Fearing for his safety, Witness [redacted] quickly exited his truck and told the suspect to get out of his truck. The suspect did not respond. The suspect began to rummage through the truck and once again Witness [redacted] told the suspect to get out of his truck. At that time, two people (Witness [redacted] and Witness [redacted] arrived in their vehicle. They asked Witness [redacted] if he knew the suspect. Witness [redacted] told them he did not.

Witness [redacted] opened the rear driver's side door and told the suspect to get out of the truck. The suspect refused and picked up a plastic cup containing soda which Witness [redacted] had in the truck and threw it at Witness [redacted] hitting him. Witness [redacted] quickly closed the door.

The suspect reached for the ignition and tried to turn on the truck, but Witness [redacted] had removed the key. At this point, deputies arrived on scene. The deputies shined their flashlights into his truck and ordered the suspect to come out. The suspect refused to come out. One of the responding deputies kicked the rear driver's side door of the truck. The deputies then opened the door and tased the suspect, who was still seated in the rear seat. Witness [redacted] could not see what the suspect was doing in the back seat.

The deputies then pulled the suspect out of the truck and onto the ground. The suspect resisted the deputies as they tried to handcuff him. Witness [redacted] saw one of the deputies punch the suspect three times, underneath the shoulder or upper back area. The deputy who kicked the door of the truck was the same deputy who punched the suspect. The suspect was subsequently handcuffed. Witness [redacted] did not see any other deputies hit the suspect **[REFER TO WITNESS [redacted] TRANSCRIPT, EXHIBIT A as EXHIBIT H]**.

WITNESS [redacted]

Witness [redacted] and his friend Witness [redacted] were leaving the "BeX Bar and Grill" when they saw the suspect swing a black backpack, at the window of a parked black Lexus vehicle. The window did not break and the suspect dropped the backpack on the ground and walked away from the Lexus. Witness [redacted] and Witness [redacted] followed the suspect in their vehicle. They observed the suspect try to get into a parked minivan by pulling on the door handle several times. Witness [redacted] called 9-1-1 because they thought the suspect was about to drive away intoxicated because he looked drunk.

The suspect failed to get into the minivan and continued walking. They continued to follow the suspect as he walked to a Ford F-150 truck, which was parked in an apartment complex parking lot. The suspect opened the rear driver's side door of the truck (occupied by Witness [redacted] and sat in the back seat. Witness [redacted] and Witness [redacted] approached the truck and opened the rear driver's side door. Witness [redacted] told the suspect to get out of the truck. The suspect told him to "Fuck off" and threw a large paper cup of

soda at Witness [redacted] The cup hit Witness [redacted] in the chest area then splashed on the ground. Witness [redacted] back away as the suspect slammed the truck door shut.

The suspect then reached for the ignition key, but Witness [redacted] had removed it. They waited for deputies to arrive. When the first two deputies arrived, Witness [redacted] told them the suspect was really drunk. The deputies told them to step back as they held the suspect at gunpoint and requested additional units to respond. Witnesses [redacted] and [redacted] back away approximately ten feet from the deputies. Witnesses [redacted] and [redacted] started video recording the incident with their cell phones.

The third deputy (Courtial) arrived from the driver's side of the truck and got out of his patrol car. Deputy Courtial approached the truck on foot with his gun drawn and said, "Don't move, dumbass [or dipshit]. I'll fucking shoot you." Deputy Courtial then kicked the rear driver's side door of the truck. Witness [redacted] did not know why the deputy kicked the door. Deputy Courtial opened the door of the truck and ordered the suspect to get out. The suspect was sitting in the rear seat, but his head and upper body were leaned over to the front passenger seat. Witness [redacted] could not see what the suspect was doing.

Deputy Courtial holstered his weapon and ordered the suspect several times to come out of the truck. The suspect refused, so Deputy Courtial told another deputy to tase him. The other deputy tased the suspect. Three deputies grabbed a part of the suspect and pulled him out of the truck. As they pulled the suspect out, Deputy Courtial puched the suspect because he resisted. Witness [redacted] did not know how many times Deputy Courtial punched the suspect.

When asked how the suspected resisted, Witness [redacted] said the suspect did not get out of the truck, "like most people would when they are told to do so by the deputies". Witness [redacted] did not see the suspect do anything physical to the deputies. Once the suspect was on the ground, Deputy Courtial pulled him away from the truck. Deputy Courtial punched the suspect again as he yelled, 'Get your hand behind your back", one punch per word. The deputies were then able to handcuff the suspect without further incident **[REFER TO WITNESS [redacted] TRANSCRIPT, EXHIBIT A as EXHIBIT J]**.

The cell phone video footage taken by Witness [redacted] is included in this case in **[EXHIBIT A, ATTACHEMENT-2]**.

WITNESS [redacted]

Witness [redacted] and his friend, Witness [redacted] were leaving the "BeX Bar and Grill" when they saw the suspect. The suspect caught their attention because he was stumbling in the street and appeared intoxicated. Witness [redacted] saw the suspect attempt to smash a window of a parked vehicle by

throwing a backpack at it. The backpack fell onto the ground and the suspect continued to stumble down the street.

Witness [redacted] and Witness [redacted] followed the suspect in their vehicle as he stumbled up Elm Avenue. They saw the suspect "yank" on the door of a parked minivan on the west side of the street at least four times, trying to get inside. Witness [redacted] believed the suspect was trying to break into vehicles.

Witness [redacted] called 9-1-1 and reported what he saw to a Sheriff's operator. They continued to follow the suspect as he walked into the parking lot of an apartment complex. They saw the suspect walk toward a parked truck, open the rear driver's side door and enter the vehicle. The driver of the truck, Witness [redacted] jumped out of the truck. They contacted Witness [redacted] and asked him if he knew the suspect. Witness [redacted] told them he did not.

Witness [redacted] asked the suspect to come out of the truck, but he refused. Witness [redacted] remained on the line with the Sheriff's Dispatch. Witness [redacted] saw the suspect throw numerous items trying to break out the truck windows. Witness [redacted] opened the rear driver's side door and told the suspect to get out of the truck because it was not his. The suspect told Witness [redacted] to "fuck off." The suspect threw a cup full of soda at Witness [redacted] which hit him in the chest. The suspect then slammed the door shut. After the suspect shut the door, they waited for deputies to arrive.

When the first Sheriff's deputy arrived on scene, Witness [redacted] told him the suspect was inside the truck and throwing stuff around. The deputy attempted to open the rear driver's side door, but the suspect slammed the door shut. The deputy stood by and waited for additional deputies to arrive. The fourth deputy to arrive (Courtial), approached the truck from the driver's side with his gun drawn. Deputy Courtial kicked the rear driver's side door with such force it caused a dent on the door. The deputy yelled "Show me your hands or I will fucking shoot you" or something like that. Deputy Courtial opened the rear driver's side door while holstering his weapon. Witness [redacted] saw Deputy Courtial struggle with the suspect "for a bit." One of the other deputies shot the suspect with a taser. Witness [redacted] heard the sound of the taser for three to five seconds.

Two or three deputies pulled the suspect out of the truck from the driver's side of the truck. It appeared the suspect grabbed something inside the truck to prevent himself from being pulled out. The deputies were "having to really fight with him to pull him out." At that point, Witness [redacted] saw Deputy Courtial punch the suspect several times. The deputies then pulled the suspect all the way on the ground face down. The deputies yelled, "Stop resisting. Give me your hand". Deputy Courtial then punched the suspect an additional four to five times in the left shoulder, rear neck area, with "strong blows." Witness [redacted] did not see any impact weapons used nor kicks by the deputies. The deputies then handcuffed the suspect.

Witness [redacted] recorded the incident with his cell phone **[REFER TO WITNESS [redacted] TRANSCRIPT, EXHIBIT A as EXHIBIT P]**.

The cell phone video footage taken by Witness [redacted] is included in this case in **[EXHIBIT A, ATTACHEMENT-2]**.

The 9-1-1 call made by Witness [redacted] is included in this case in **[EXHIBIT A, ATTACHMENT-1]**.

Internal Criminal Investigations Bureau and Internal Affairs investigators interviewed the below suspect. The following is a summary of his interview. For more information and precise wording, see the attached verbatim interview transcriptions.

SUSPECT CONRAD NEVAREZ

On July 21, 2016, Suspect Nevarez was interviewed by IAB investigators regarding this case at Antelope Valley Hospital.

Suspect Nevaraz did not recalled the incident involving the deputies. The last thing the suspect could recall was being involved in a bicycle accident with a skateboarder earlier in the evening. The suspect believed the accident occurred at American Hero Park. The suspect said he fell off his bike when he collided with the skateboarder and hit his head on the cement. Suspect Nevarez said he blacked out after the accident. The suspect did not seek any medical attention after the bike accident.

When questioned further regarding the incident with the deputies, the suspect recalled being tased, but did not recall why or getting into anyone's vehicle. The suspect had consumed an unknown amount of beer earlier in the evening and said he blacked out **[REFER TO SUSPECT NEVAREZ' IAB TRANSCRIPT, PAGES 2-7]**.

On September 28, 2016, ICIB investigators interviewed Suspect Nevarez regarding this case.

Suspect Nevarez insisted to ICIB investigators that he did not remember anything about the incident with the deputies. Suspect Nevarez recalled being involved in a bicycle accident earlier in the evening and banging his head on the ground. Suspect Nevarez said after the bicycle accident he must of "blacked out" because he did not remember anything after that until he awoke in the hospital the next day **[REFER TO SUSPECT NEVAREZ' TRANSCRIPT, EXHIBIT A, as EXHIBIT U]**.

ADDITIONAL INFORMATION

None